

September 9, 2003  
Curtis P. Ribando  
Name of Depositor  
Signature  
September 9, 2003 Date of Signature

PTO/SB/05 (08-00)

Please type a plus sign (+) inside this box ☒

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  (Only for new nonprovisional applications under 37 CFR 1.53(b))	<b>Attorney Docket</b>	0185.03
	<b>First Inventor</b>	Maureen S. Wright
	<b>Title</b>	Use of <i>Paecilomyces</i> spp. as Pathogenic Agents Against Subterranean Termites
	<b>Express Mail</b>	ET 289108267 US

<b>APPLICATION ELEMENTS</b>  See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Commissioner for Patents Box Patent Application Alexandria, VA 22313-1450
---------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27. 2.
3. ☒ Specification [Total Pages 27]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 8]
5. ☒ Oath or Declaration [Total Pages 2]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 17 completed)
  - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request & Certification Under 35 USC 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:  
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/989,287.

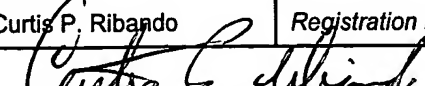
Prior application information: Examiner: Neil S. Levy Group/Art Unit: 1616

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

25712

Name (Print/Type)	Curtis P. Ribando	Registration No. (Attorney/Agent)	27,976
Signature		Date	9-9-03

# FEE TRANSMITTAL

2003

09/09/03

Amount of Payment \$ 750.00

Complete If Known:

Application Number:

Filing Date:

First Named Inventor: Maureen S. Wright

Examiner Name:

Group/Art Unit:

Attorney Docket Number: 0185.03

## Method of Payment

The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed:

Deposit Account Number: 50-2132

Deposit Account Name: USDA-ARS-OTT

## Fee Calculation:

### 1. Basic Filing Fee

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	750.00	Utility Filing Fee	
1002	330.00	Design Filing Fee	
1003	520.00	Plant Filing Fee	
1004	750.00	Reissue Filing Fee	
1005	160.00	Provisional Filing Fee	

SUBTOTAL (1)

\$

### 2. Extra Claim Fees

Total Claims	Extra Claims	Fee From Below	Fee Paid
15 -20** =	- X	18.00	-
Independent Claims 1 -3** =	- X	84.00	-
Multiple Dependent	- X	-	-

\*\* or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Fee Description
1615	18.00	Claims in excess of 20
1614	84.00	Independent claims in excess of 3
1616	280.00	Multiple dependent claims, if not paid
1204	84.00 **	Reissue independent claims over original patent
1205	18.00 **	Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

\$

## FEE CALCULATION (Continued)

### 3. Additional Fees

Large Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130.00	Surcharge - late filing fee or oath	
1052	50.00	Surcharge - late provisional filing fee or cover sheet	
1053	130.00	Non-English specification	
1812	2,520.00	For filing a request for examination	
1804	920.00*	Requesting publication of SIR prior to Examiner action	
1805	1,840.00*	Requesting publication of SIR after Examiner action	
1251	110.00	Extension for reply within first month	
1252	410.00	Extension for reply within second month	
1253	930.00	Extension for reply within third month	
1254	1,450.00	Extension for reply within fourth month	
1255	1,970.00	Extension for reply within fifth month	
1401	320.00	Notice of Appeal	
1402	320.00	Filing a brief in support of an appeal	
1403	280.00	Request an oral hearing	
1451	1,510.00	Petition to Institute a public use proceeding	
1452	110.00	Petition to revive - unavoidable	
1453	1,300.00	Petition to revive - unintentional	
1501	1,300.00	Utility issue fee (or reissue)	
1502	470.00	Design issue fee	
1503	630.00	Plant issue Fee	
1460	130.00	Petitions to the Commissioner	
1807	50.00	Petitions related to provisional applications	
1806	180.00	Submission of Information Disclosure Statement	
8021	40.00	Recording each patent assignment per property (times number of properties)	
1809	750.00	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750.00	For each additional invention to be examined (37 CFR § 1.129(b))	

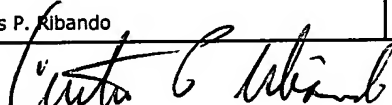
Other Fee (specify) \_\_\_\_\_

Other Fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Paid

SUBTOTAL (3)

\$

Submitted By					
Name (Print/Type)	Curtis P. Ribando	Registration No. (Attorney/Agent)	27,976	Telephone	309/681-6512 309/681-6688 FAX
Signature				Date	9-9-03

Fees current as of 01/01/2003

Express # ET 289108267 US

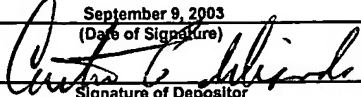
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on

September 9, 2003  
(Date of Deposit)

Curtis P. Ribando  
Name of Depositor

Signature

September 9, 2003  
Date of Signature

September 9, 2003  
(Date of Signature)  
  
Signature of Depositor

PTO/SB/13/(11-96)  
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REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
0185.03	CLASS 424	SUBCLASS	Neil S. Levy	1616

Address to:  
Assistant Commissioner for Patents  
Washington, D. C. 20231

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior  
Application Number 09 / 989,287, filed on November 20, 2001 entitled Use of Paecilomyces spp. as  
Pathogenic Agents Against Subterranean Termites

1. Enclosed is a copy of the latest inventor-signed prior application, including a copy of the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the papers are a true copy of the latest signed prior application number 09 / 989,287, and further that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16 <sub>(a)</sub> )	15 - 20 =	-	X \$ <u>18.00</u> =	\$ -
	INDEPENDENT CLAIMS (37 CFR 1.16 <sub>(a)</sub> )	1 - 3 =	-	X \$ <u>84.00</u> =	\$
	MULTIPLE DEPENDENT CLAIMS (If applicable) (37 CFR 1.16 <sub>(a)</sub> )			X \$ _____ =	\$ -
	BASIC FEE (37 CFR 1.16 <sub>(a)</sub> )				+ 750.00
	Total of Above Calculations =				\$ 750.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)				
	TOTAL =				\$ 750.00

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27  
☐ is enclosed.  
☐ was filed in prior application number \_\_\_\_ / \_\_\_\_\_, and such status is till proper and desired (37 CFR 1.28 (a)).
3. ☒ The Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 50-2132. A duplicate copy of this sheet is enclosed.
4. ☐ A check in the amount of \$ \_\_\_\_\_ Is enclosed.
5. ☒ Cancel in this application original claims 1-10 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
6. ☒ The inventor(s) of the invention being claimed is (are): **Maureen S. Wright, William J. Connick, Jr., and Mark A. Jackson**
7. ☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.53(b), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:
8. ☒ Amend the specification by inserting before the first line the sentence: "This application is a ☐ continuation ☒ division of application number 09 / 989,287, filed November 20, 2001, (pending) the contents of each of which are incorporated by reference herein."

[Page 1 of 2]

(REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b), PAGE 2)

9. ☐ New formal drawings are enclosed.
10. ☐ Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119(a) - (d).
11. ☒ A preliminary amendment is enclosed.
12. ☒ The prior application is assigned of record to The United States of America, as represented by the Secretary of Agriculture; Recordation Date 11/20/2001, Reel/Frame 012317/0564
13. ☒ Also enclosed:  
1) Fee Transmittal FY 2003 (2 orig.)  
2) Application Data Information Sheet  
3) Utility Transmittal Form
14. ☒ The power of attorney in the prior application is to: M. Howard Silverstein (22,699), John D. Fado (27,876); Curtis P. Ribando (27,976); Randall E. Deck (34,078) and Joseph A. Lipovsky (34,526)
- a. ☒ The power of attorney appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

☐ Customer Number

25712

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Individual Name

**Curtis P. Ribando, Patent Advisor**

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Address **1815 N. University Street**  
City **Peoria** State **Illinois** ZIP **61604**  
Country **USA**  
Telephone **309/681-6512** Fax **309/681-6688**

9-9-03

Date



Signature

**Curtis P. Ribando**

Typed or Printed Name

- ☐ Inventor(s)
- ☐ Assignee of complete interest. Certification under 37 CFR 3.73(b) is enclosed.
- ☒ Attorney or Agent of Record
- ☐ Filed under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_